

REMARKS

The rejection of independent claim 1 under 35 USC 102 for anticipation by the newly cited Dean patent is traversed by the limitations of claim 1 that (a) the coupling of the wall elements consists essentially of the coupling profile and (b) the cover profile is for covering. Neither is shown in the patent in as complete detail as claimed; whereas, for anticipation:

The identical invention must be shown in as complete detail as contained in the ... claim. *Richardson v. Suzuki Motor Co.* ... (Fed. Cir. 1989). MPEP 2131.

The Dean patent discloses a corner post 28 in the position of the claimed coupling profile 30 and an outer corner lock 46 in the position of the claimed cover profile. Therefore, the corner post of the patent is not for coupling, as claimed, because if it did, a corner lock would not be needed, and the corner lock is not for covering, as claimed, but for locking, as named.

According to column 5, lines 18-21, of the Dean patent, it is only:

After the outer corner lock 46 has been inserted in the manner described, neither the outer corner lock 46 nor the walls 12, 14 can be removed in a horizontal direction from the corner post 28 so that an interlocked assembly has been created.

With the different invention of claim 1, the coupling of the walls consists essentially of the coupling profile, which excludes a requirement for the cover (corner lock) therefor.

It may be that, in forming the rejection, the drawings of the Dean patent were relied on. Fig. 4 of the patent, for example, shows walls 14, 16 in the corner post 28 without the corner lock 46 wherein, as at column 3, lines 3-5:

The channels 36, 44 have widths which are approximately the same as the length of the branches 22, 26 [Fig. 1] of the arms 18, 16 respectively [of walls 14, 16, Fig. 1].

Thereby, the arms 16, 18 seem to couple the walls to the corner post, but apparently do not, since the corner lock 46 is required for the interlocked assembly as quoted above. Perhaps the difference is explained by channel widths that are only "approximately" the same as the lengths of the arm branches 22, 26.

The different appearance from the scale of the drawing cannot be relied on for the rejection. As described at MPEP 2125:

"[I]t is well established that patent drawings do not define the precise proportions of the elements and may not be relied on ...." However, the description of the article pictured can be relied on, in combination with the drawings, for what they would reasonably teach one of ordinary skill in the art.

In this case, the description in the patent as quoted above specifically requires the corner lock for coupling (interlocked assembly) while the drawing suggests not only "approximately." "Approximately" only cannot overcome the specific description in the patent to teach the claimed invention reasonably as required for the rejection.

The rejection of independent claim 22 under 35 USC 102 for anticipation by the newly cited Dean patent is traversed by the new limitation that the cover profile is only for coupling to and covering the coupling profile. The corner lock of the patent clearly has other functions as described above.

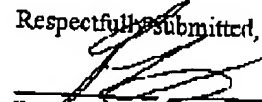
The rejection of independent claim 23 under 35 USC 102 for anticipation by the newly cited Dean patent is traversed by the limitation of claim 23 that the wall elements meet each other. Such meeting prevents the wall elements 10a, 10b of Fig. 1A, for example, from moving downward or leftward, respectively, as shown in the Fig., while the coupling profile 30 prevents movement in the other directions of the plane of Fig. 1A; whereas, the patent has nothing but friction and "approximately" only in the case of the walls for this. Specifically, wall elements 100', 102' in Fig. 7 of the patent do not meet.

The rejection of independent claim 1 under 35 USC 102 for anticipation by the newly cited Davis, et al. patent is traversed by the new limitation of claim 1 that the coupling profile is one piece, whereas the patent has parts up to reference character 107 in Fig. 1 alone. Achieving the coupling function with so many fewer parts is an advancement of the art meriting a patent.

The rejection of independent claim 23 under 35 USC 102 for anticipation by the newly cited Davis, et al. patent is traversed by the limitation of claim 23 that the wall elements meet. The wall elements in the patent do not. Clearance gap 106 is between them in Fig. 1 of the Davis, et al. patent, for example.

Reconsideration and allowance are, therefore, requested.

Respectfully submitted,

  
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